

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BL VENTURES d/b/a BL VENTURES, LLC,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:20-CV-139-DCP
	)	
APEX MEDICAL, d/b/a TN PREMIER CARE,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73 of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 21].

Now before the Court is Defendants' Rule 12.02(6) Motion to Dismiss or in the Alternative, Rule 56 Motion for Summary Judgment ("Motion to Dismiss") [Doc. 14].<sup>1</sup> In response to the Motion to Dismiss [Doc. 17], Plaintiffs, in part, argued that the Motion to Dismiss is moot because Plaintiffs had filed an Amended Complaint [Doc. 16]. Defendants did not reply to Plaintiff's response. Accordingly, given the filing of the Amended Complaint, Defendants' Motion to Dismiss [**Doc. 14**] is **DENIED AS MOOT AND WITHOUT PREJUDICE**. *See In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013) ("An amended

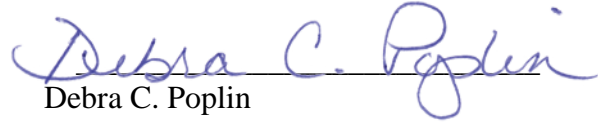
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<sup>1</sup> The Court presumes that Defendants' reference to Rule 12.02(b)(6) is a typographical error as Rule 12.02 does not exist in the Federal Rules of Civil Procedure.

complaint supersedes an earlier complaint for all purposes.”) (citing *Pac. Bell Tel. Co. v. Linkline Commc'ns, Inc.*, 555 U.S. 438, 456 n. 4 (2009)).

**IT IS SO ORDERED.**

ENTER:



Debra C. Poplin  
United States Magistrate Judge